



SUPERIOR COURT OF THE STATE OF  
WASHINGTON  
FOR CLARK COUNTY

GENERAL ORDER 20-18

**UNLAWFUL DETAINERS – EVICTION RESOLUTION  
PROGRAM (ERP)**

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Adopted: December 2, 2020

Clark County Superior Court recognizes that nearly one million people in Washington state have lost their jobs or have had employment hours severely curtailed because of the COVID-19 emergency. The mass loss of income has made it impossible for many families and individuals (tenants) to keep current in rental payments. Various federal, state, and local orders have prohibited most evictions during the COVID-19 emergency, but such orders will be lifted at some point. Many landlords face hardship and significant loss of income due to the inability of tenants to keep current in their rent and the prohibition on evictions established by federal, state, and local eviction moratoria, as applicable. Many renters currently face substantial arrearages and threat of eviction upon termination of state and local eviction moratoria.

Court operations have been substantially curtailed since April 2020 due to COVID-19 and this court continues to face a substantial hearing backlog related to civil and criminal matters. Given the administrative backlog this court is facing, the anticipated deluge of unlawful detainer filings presents a threat to the ability of this court to timely hear and fairly decide such cases consistent with statutory deadlines, due process and mandated procedures.

State and local rent-assistance programs offer the opportunity for immediate assistance in addressing rent arrearages (or portions thereof). It is understood that Mediation Clark County and Clark County Volunteer Lawyers/Housing Justice Project (HJP) are prepared

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to assist tenants facing the threat of eviction and help tenants resolve that threat through non-judicial processes including the Eviction Resolution Program (ERP).

Clark County Superior Court is one of six (6) counties that has agreed to participate in a pilot ERP. It is anticipated that the number of unlawful detainer cases will be greatest in the six (6) pilot counties. The court designates Department 2, Judge David E. Gregerson, to serve as the procedural point person to work with relevant stakeholders on the implementation and ongoing administration of the ERP and certifies such designation has been provided to AOC. Any questions concerning this process should be communicated via email to [SuperiorCourtAdmin@clark.wa.gov](mailto:SuperiorCourtAdmin@clark.wa.gov)

The court recognizes that substantial questions of fact and law may be present in unlawful detainer actions filed during the period eviction moratoria remain in effect (including, but not limited to, whether the grounds alleged are allowable bases for eviction while the moratoria are in place); and that chances for effective resolution of these cases are enhanced by early notification to and involvement of Eviction Resolution Specialists and attorneys for tenants.

The goal of the ERP is to divert unlawful detainer cases based on nonpayment of rent through effective and fair conflict resolution and alternative dispute resolution processes with the assistance of an impartial Eviction Resolution Specialist trained and provided by Mediation Clark County while ensuring tenants have access to community resources, including attorney representation through the local HJP, to reach a solution that stabilizes households through relationship building. The successfulness of the ERP depends on mandating its use in order to divert unlawful detainer cases from this court thereby ensuring all court dockets are managed effectively. Mediation Clark County has been contractually engaged by the Administrative Office of the Courts (AOC) on behalf of the Superior Court and is an integral component of the pilot ERP.

Accordingly, it is hereby Ordered that,

- A. Prior to the expiration of any state and/or local eviction moratoria, the ERP will encourage landlords and tenants to voluntarily participate in a structured resolution process that offers a real prospect of resolving cases before they are filed in court.
- B. Any residential unlawful detainer Complaint filed while eviction moratoria remain in effect shall be accompanied by a certification that the plaintiff notified Clark County Volunteer Lawyers Program/Housing Justice Project and Mediation Clark County that a Complaint will be filed and provided both with the Tenant's last known contact information.
  1. Prior to serving and/or filing a summons and complaint **during the moratoria**, the landlord or landlord's counsel shall:
    - a. Send the Tenant's last known contact information (*i.e.* address(es), telephone number(s) and e-mail(s)) to Clark County Volunteer Lawyers

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Program/Housing Justice Project and Mediation Clark County via e-mail and/or mail; and

- b. File a certification with the court that states:
  - i. I certify and declare under penalty of perjury under the laws of the state of Washington that on \_\_\_\_\_ (the date prior to filing), that I e-mailed/mailed notice of my intent to file a Complaint in Unlawful Detainer against Tenant \_\_\_\_\_ (insert Tenant's name) along with the Tenant's last known contact information *(i.e.* address(es), telephone number(s) and e-mail(s)) to Clark County Volunteer Lawyers Program/Housing Justice Project and Mediation Clark County.

C. Any unlawful detainer Complaint filed after the eviction moratoria are lifted shall follow the ERP process.

1. Prior to serving and/or filing a summons and complaint for nonpayment of rent **post-moratoria**, the landlord or landlord's counsel:

- a. Shall comply with the ERP including Tier One and Tier Two processes;
  - i. Tier One - Send Notice #1 (attached hereto).

- ii. Tier Two – If there is no response from the Tenant within 14 days, send Notice #2 (attached hereto).

and

- b. Shall file the ERP DRC Certification Form at the time of filing a summons and complaint with the court.

2. Any landlord that voluntarily follows the procedures set forth above in in paragraphs (C)(1)(a) and (C)(1)(b) prior to the lifting of the moratorium will be deemed to have followed the requirements of (C)(1)(a) and (C)(1)(b) above and need not do so again once the moratorium is lifted. Any breach of agreement by the tenant of an agreement entered into between the landlord and tenant during the moratorium period will be deemed satisfaction of (C)(1)(a) and (C)(1)(b) above.

D. Failure of the landlord to comply with the conditions set forth in this order shall preclude the landlord from seeking affirmative relief from the court.

Dated this 2<sup>nd</sup> day of December, 2020

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Scott A. Collier, Presiding Judge